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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/336,229	06/18/1999	STEVEN R. WILLIS	AGM-005	7390
26615	7590	02/18/2004	EXAMINER	
HARRITY & SNYDER, LLP 11240 WAPLES MILL ROAD SUITE 300 FAIRFAX, VA 22030			DO, NHAT Q	
		ART UNIT	PAPER NUMBER	
		2663	17	
DATE MAILED: 02/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/336,229	WILLIS, STEVEN R.
	Examiner Nhat Do	Art Unit 2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 December 2003.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-3,6,7,11,13-16 and 18-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 1-3,6,7,11,13-15,19 and 20 is/are allowed.
 6) Claim(s) 16, and 18 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed on 12/04/03 regarding to the rejection of claims 16, and 18 have been fully considered but they are not persuasive.

Applicants argue that Lea does not disclose a multiplexer position before a select one of the input ports to multiplex multiple data streams into a single input data stream (Remarks page 3, 2nd paragraph; page 5, 2nd paragraph) because one skilled in the art would appreciate that a multiplexer is a communication device that multiplexes several signals for transmission over a single media (Remarks page 3, 3rd paragraph).

In reply, Lea disclose an input/output port processor in figure 8 comprising a link transmitter (L-TX) for transmitting data to a link (Fig. 8; col. 4, lines 37-38), a switch receiver (S-RCV) for receiving data from the switch (Fig. 8; col. 4, lines 38-39), a link receiver (L-RCV) for receiving data from a link (Col. 4, lines 36-37). Furthermore Lea discloses clearly in figure 8 that the switch receiver (S-RCV) receives data (from the switch) using 8 lines (8 data streams) while the link transmitter (L-TX) transmit data over one data stream (a link). Therefore the input/output port processor of Lea, which is positioned before input port (receiving data link), does perform multiplexing several signals for transmitting over a single media (a link).

Moreover, since claim 16 does not recite a specific structure of the multiplexer, the examiner cannot differentiate the difference between the input/output port processor in figure 8 of Lea and the claimed multiplexer.

2. Applicant's arguments with respect to claims 1, 11, and 14 have been fully considered and persuasive; therefore the claims should be allowed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,115,373 to Lea.

Lea discloses a device in figure 1 having input/output port processors. Each input/output port processor disclosed in detail in figure 8 comprising:

Input port for receiving input data;

Output ports for outputting data;

Line card comprising:

The P-IP, and MEM-I (An IP packet forwarding facility) for receiving and forwarding IP packet (Fig. 8; col. 4, lines 41-44; col. 6, lines 38-53);

The P-ATM, and MEM-A (An ATM cell forwarding facility) for receiving and forwarding ATM cell (Fig. 8; col. 4, lines 41-44);

Since Lea describes IP packets and ATM cells are mixed on a link (Fig. 2, col. 3, lines 58-60), but IP packets and ATM cells are handled in separate facility,

it is inherent that the interface (L-RCV) taught by Lea comprises an device/director for identifying ATM cells and IP packets, and forward ATM cells and IP packet to proper facility.

Since the input/output processor in figure 8 receives 8 lines data input and output one data stream, the input/output processor is also a multiplexer (position at the input/output ports) for multiplexing multiple data streams into one data stream.

Allowable Subject Matter

5. Claims 1-3, 6, 7, 11, 13-15, 19, and 20 are allowed.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhat Do whose telephone number is (703)

305-5743. The examiner can normally be reached on 9:00 AM - 6:00 PM

(Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhat Do
Examiner
Art Unit 2663

NP

February 17, 2004.


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 2/17/04